

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

HENDERSON COUNTY WATER DISTRICT

ALLEGED VIOLATIONS OF COMMISSION
REGULATION 807 KAR 5:006

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) CASE NO. 95-128
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O R D E R

This case is established for the sole purpose of considering a Settlement Agreement entered between Commission Staff and Henderson County Water District ("Henderson"). The Settlement Agreement arises as a result of several discussions between Henderson and Commission Staff regarding Henderson's failure: 1) to file a copy of its inspection procedures with the Commission for review -- a violation of 807 KAR 5:006, Section 25(1); 2) to have written complaints that contain information on the final adjustment or disposition of the complaint -- a violation of 807 KAR 5:006, Section 9; and 3) to keep appropriate records to identify the inspection procedures made, deficiencies found and action taken to correct the deficiencies -- a violation of 807 KAR 5:006, Section 25(3). As a result of their discussions, Commission Staff and Henderson have agreed to a penalty in the amount of \$200.00 payable in full to the Kentucky State Treasurer within ten days from the date of this Order.

After consideration of the Settlement Agreement, its terms and the severity of the violations addressed therein, the Commission finds that the Settlement Agreement represents a reasonable resolution of our informal investigation and should, therefore, be approved.


IT IS THEREFORE ORDERED that:


1. The Settlement Agreement, attached hereto and incorporated herein as Appendix A, be and it hereby is adopted and approved in its entirety as a complete resolution of all issues and charges in this case.


2. Henderson is hereby assessed a penalty of \$200.00 which shall be paid by certified check or money order made payable to the Kentucky State Treasurer within ten days from the date of this Order and mailed to the Office of General Counsel, Public Service Commission, P.O. Box 615, Frankfort, Kentucky 40602.

Done at Frankfort, Kentucky, this 24th day of August, 1995.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director

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SETTLEMENT AGREEMENT

THIS AGREEMENT is made and entered this 7TH day of AUGUST, 1995, by and between the STAFF OF THE PUBLIC SERVICE COMMISSION OF KENTUCKY ("Commission Staff") and HENDERSON COUNTY WATER DISTRICT ("Henderson").

W I T N E S S E T H :

THAT, WHEREAS, the Commission Staff issued a Utility Inspection Report dated September 29, 1994 ("Inspection Report") describing the results of an inspection of Henderson's facilities and records conducted on September 26, 1994; and

WHEREAS, Commission Staff noted deficiencies in its Inspection Report: Henderson had not filed a copy of its inspection procedures with the Commission - a violation of 807 KAR 5:006, Section 25(1); Henderson's written complaints did not contain information on the final adjustment or disposition of the complaint - a violation of 807 KAR 5:006, Section 9; and, Henderson was not keeping appropriate records to identify the inspection procedures

made, deficiencies found and action taken to correct the deficiencies - a violation of 807 KAR 5:006, Section 25(3); and

WHEREAS, Henderson and Commission Staff have agreed to the following factual matters:

1. The deficiencies noted in the Inspection Report existed at the time of the inspection;

2. The sample forms that Henderson filed on May 10, 1995 with its Supplemental Response To Show Cause Order satisfy the requirements of 807 KAR 5:006 Section 25(1) and 807 KAR 5:006, Section 9.

3. The forms that Henderson filed on July 18, 1995 with its Second Supplemental Response To Show Cause Order satisfy the requirements of 807 KAR 5:006, Section 25(3); and

WHEREAS, Henderson and Commission Staff desire to settle the issues raised by this proceeding.

NOW, THEREFORE, Henderson and Commission Staff agree that:

1. Henderson is now in full compliance with Commission rules and regulations.

2. The Commission shall assess Henderson a penalty of Two Hundred Dollars (\$200.00) for its violations of Commission regulation 807 KAR 5:006. The penalty shall be paid in full within ten (10) days of entry of an Order approving this Settlement Agreement. A certified check in the amount of Two Hundred Dollars (\$200.00) shall be made payable to the Kentucky State Treasurer and delivered to the Office of General Counsel, Public Service Commission, 730 Schenkel Lane, Frankfort, Kentucky 40601.

3. This Settlement Agreement is subject to the acceptance of and approval by the Public Service Commission.

4. This Settlement Agreement constitutes full satisfaction of any penalties against Henderson arising out of this proceeding.

5. If the Public Service Commission fails to accept and approve this Settlement Agreement in its entirety, this proceeding shall go forward and neither the terms of this Settlement Agreement nor any matters raised during settlement negotiations shall be binding on either signatory.

6. If the Public Service Commission accepts and adopts this Settlement Agreement in its entirety and enters an Order in this proceeding to that effect, Henderson shall not apply for rehearing in this proceeding nor bring an action for review of that Order.

7. The signatories agree that the foregoing Settlement Agreement is reasonable, not contrary to regulatory principals or the law, is in the best interest of all concerned, and urge the Public Service Commission to adopt the Settlement Agreement in its entirety.

AGREED TO BY:

Henderson County Water District

By



Allan R. VanMeter, Superintendent
Public Service Commission Staff

By

